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In re Application of :
Weller et al. :
Application No. 09/853,507 :
Filed: May 9, 2001 :
Attorney Docket No. E-1507 CON :

OFFICE OF PETITIONS

ON PETITION

This is a decision on the "Request for Correction of Filing Date" filed June 11, 2001, which is being treated as a petition under 37 CFR 1.10(c). The petition was supplemented on September 14, 2004. The Office apologizes for the delay in rendering a decision.

The petition is **granted**.

37 CFR 1.10(c) states,

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

- (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
- (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and
- (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

All of the above requirements have been met. Therefore, the application will be accorded a filing date of May 9, 2001.

The file is now being forwarded to the Office of Initial Patent Examination to accord the application a filing date of May 9, 2001.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions